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8 Attorney for Plaintiff  
9 PROTECH DIAMOND TOOLS  
10 INCORPORATION

11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 OAKLAND DIVISION

14 PROTECH DIAMOND TOOLS ) Case No. C 08-3684 SBA  
15 INCORPORATION, a California Corporation, )  
16 )  
17 Plaintiff, )  
18 vs. )  
19 )  
20 DAVID LIAO, an individual, )  
21 PROTECH DIAMOND TOOLS INC., a )  
22 Canadian Corporation, and PROTECH )  
23 DIAMOND USA, INC., a California )  
24 Corporation and DOES 1-10, )  
25 Defendants. )

Plaintiff Protech Diamond Tools Incorporation filed its Complaint for Trademark  
Infringement, False Designation of Origin and Unfair Competition on August 1, 2008 against  
three defendants: David Liao, Protech Diamond Tools Inc. and Protech Diamond USA, Inc.

REQUEST AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANT PROTECH DIAMOND  
USA, INC. TO RESPOND TO COMPLAINT  
CASE NO. C 08-3684 SBA

1 Plaintiff served Protech Diamond USA, Inc. on August 11, 2008 and filed its Certificate  
2 of Service with the Court on August 27, 2008. Accordingly, Defendant Protech Diamond  
3 USA, Inc. has until today, September 2, 2008, to respond to Plaintiff's Complaint.

4 On September 2, 2008, Plaintiff discussed this litigation with counsel for Defendants  
5 David Liao and Protech Diamond Tools Inc., which are both Canadian entities (hereinafter  
6 referred to as "Canadian Defendants"). Canadian Defendants' counsel requested that Plaintiff's  
7 counsel send Notices and Requests for Wavier of Service for the Canadian Defendants, which  
8 Plaintiff's counsel did so today, September 2, 2008. Accordingly, the Canadian Defendants  
9 will have ninety days, or until December 1, 2008, by which to respond to Plaintiff's Complaint.  
10 Fed. R. Civ. Proc. 4(d), 12(a)(1)(A)(ii).

12 In addition, counsel for both parties discussed the deadline for Defendant Protech  
13 Diamond USA, Inc. to file its response to Plaintiff's complaint. As Defendant Protech  
14 Diamond USA, Inc. is related to at least Defendant Mr. Liao, one of the Canadian Defendants,  
15 Plaintiff's counsel agreed to an extension of time for Protech Diamond USA, Inc. to respond to  
16 Plaintiff's Complaint.

17 Based on the agreement reached between the parties' respective counsel today,  
18 September 2, 2008, Plaintiff respectfully requests that the Court extend the time by which  
19 Defendant Protech Diamond USA, Inc. has to respond to Plaintiff's Complaint from September  
20 2, 2008 to December 1, 2008. Fed. R. Civ. Proc. Rule 6(b).

22 Plaintiff believes good cause exists for the Court to grant an extension of time for  
23 Protech Diamond USA, Inc. to respond to Plaintiff's Complaint because the defendants are all  
24  
25

1 related and that by granting this extension, the Court's time and resources will be used that  
2 much more efficiently and equitably in determining this action.

3  
4 Respectfully submitted,

5 DATED: September 2, 2008

LAW OFFICE OF ANNE HIARING

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7  
8 By: 

ANNE HIARING HOCKING, Esq.  
Attorney for Plaintiff  
PROTECH DIAMOND TOOLS  
INCORPORATION

9  
10  
11  
12 IT IS SO ORDERED.

13 DATED: \_\_\_\_\_

14 By: \_\_\_\_\_  
HON. SAUNDRA B. ARMSTRONG  
United States District Court Judge

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF MARIN**

I am employed in the County of Marin, State of California; my business address is 711 Grand Avenue, Suite 260, San Rafael, California 94901; I am over the age of 18 and not a party to the within action. On this date I served the following document(s):

**REQUEST AND [PROPOSED] ORDER EXTENDING PROTECH DIAMOND USA, INC.'S TIME TO ANSWER COMPLAINT**

on the parties shown below:

Protech Diamond USA, Inc.  
c/o Yi Lu, Registered Agent  
13321 Alondra Boulevard, Suite T  
Santa Fe Springs, CA 90670

Protech Diamond USA, Inc.  
13321 Alondra Boulevard, Suite T  
Santa Fe Springs, CA 90670

Tel: 562-404-1338

Tel: 562-404-1338

☐ (BY FAX) I am readily familiar with the firm's practice of facsimile transmission; on this date the above-referenced documents were transmitted, the transmission was reported as complete and without error and the report was properly issued.

☒ (BY MAIL) I am readily familiar with the firm's practice for the processing of mail; on this date, the above-referenced documents were placed for collection and delivery by the U.S. Postal Service following ordinary business practices.

☐ (BY OVERNIGHT DELIVERY) I am readily familiar with the firm's practice for the processing of documents for delivery services; on this date, the above-referenced documents were placed for collection and delivery following ordinary business practices.

☐ (BY ELECTRONIC FILING) On this date I provided the documents(s) listed above electronically through the Court's electronic filing service provider pursuant to the instructions on that website.

☐ (BY E-MAIL) On this date, the above-referenced documents were converted to Adobe files and e-mailed to the addresses shown.

☐ (BY PERSONAL SERVICE) I caused the above documents to be delivered by hand pursuant to CCP § 1011.

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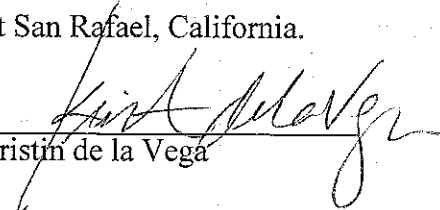
☒

Federal: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

☐

State: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on this 2nd day of September 2008 at San Rafael, California.

  
Kristin de la Vega